

REMARKS

In response to the Examiner's Action mailed on March 17, 2004, claims 1 to 2, 8 to 9, and 23 are canceled and claims 3, 6-7, and 10-18 are amended. The applicants hereby respectfully request that the patent application be reconsidered.

An item-by-item response to Examiner's objections or rejections is provided in the followings:

1. *Rejections of Claims under 35 USC§102*

The Examiner rejects Claims 1-2 under 35 U.S.C. 102(e) as being anticipated by Yamada et al (US 4606641).

According to the Examiner, for claim 8, Yamada et al discloses a method for measuring a thickness of a thin film formed on a top surface of a substrate comprising: spectral scanning a single point on said top surface of said substrate followed by selecting a single wavelength for spatial scanning over a plurality of points of said top surface for determining a thickness profile of said thin film (Col 2- Col 4).

In response to the rejection, claim 8 is canceled. The cancellation of the claim 8 does not constitute an admission of the lack of novelty or obvious under the cited prior art references. The cancellation of the claims is for the purpose to issue the allowed claims as a patent and to prosecute the rejected claims later in a Continuous Application.

Allowable Subject Matter

The Examiner instructs that Claims 1-7 and 10-18 are allowable over the prior art of record.

The Examiner further instructs that claim 9 would be allowable if rewritten as independent claim to include all of the limitations of the base claim and any intervening claims.

The Examiner further instructs that the following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest selecting an optimal wavelength within said range of wavelengths., for measuring at a single point measuring reflection intensities by scanning over a plurality of points with said optimal wavelength in conjunction with the rest of the claimed subject matter.

In response to the objections to these claims, claim 9 is amended and re-written as independent claim that include all the limitations of the base claim and all the elements of the intervening claims. The amended claim 9 would therefore be allowable.

With the canceled and amended claims and the reasons provided above, the applicant hereby respectfully requests that Examiner's rejections under 35 USC §102 be withdrawn and the present application be allowed.

Respectfully submitted,
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By



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